THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.4346 OF 1993

DT.03-08-2006

BETWEEN:

M.Jaffar Chisti and another

.... Petitioners

A n d

Government of Andhra Pradesh rep. by its
Chief Secretary to Government, Secretariat,
Buildings, Hyderbad and another

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.4346 OF 1993

ORDER: *(Per the Hon'ble Sri Justice Bilal Nazki)*

Nobody appears for the parties.

We have gone through the record of the writ petition. Although the writ petition has been filed in the year 1993, no counter-affidavit has been filed. The petitioners are two retired District Judges. The first petitioner was 76 years old and the second petitioner was 73 years old when the writ petition was filed

in the year 1993. They had started their judicial service before independence as Magistrates in the erstwhile Hyderabad State. Thereafter, after creation of the State of Andhra Pradesh, they became members of the Andhra Pradesh Judicial Service. Disputes arose regarding *inter se* seniority of officers working in Hyderabad State and officers working in Andhra area. The matter was taken to the High Court in W.P.No.3458 of 1969 and the High Court directed that the judicial officers in Telangana area must be given their due promotions with effect from their respective dates of seniority *vis-à-vis* their counterparts from Andhra area. The petitioners and persons similar to them were not able to get benefits for a long time. Some of the judicial officers again filed a writ petition being W.P.No.3917 of 1989 seeking a direction that respondents should pay to the petitioners all arrears of salary and accord all the other monetary benefits whatsoever out of and consequential to their respective dates of notional promotion to the higher post as a result of the judgment in W.A.No.381 of 1981. In W.A.No.381 of 1981, the Government had passed orders giving notional promotions to the officers. These two petitioners before us were not party to W.P.No.3917 of 1989. This writ petition was allowed by a judgment dated

21-02-1991. The matter was taken to the Supreme Court and when the writ petition was filed, according to the petitioners, appeal before the Supreme Court was pending. The Supreme Court had ordered that arrears of salary in terms of order in W.P.No.3917 of 1989 should be paid and the same was paid to the officers who were similarly situated as the petitioners.

Since no counter is filed and nobody appears for respondents, we do not know of the orders that ultimately the Supreme Court had passed in S.L.P.No.15247 of 1991. There is on record a judgment of the Division Bench, which was challenged before the Supreme Court, wherein the High Court had ordered as under:

> "For the foregoing reasons, we would confirm the view taken by the learned Single Judge and dismiss W.A.No.1773 of 1988 and allow W.P.No.3917 of 1989 and issue a mandamus
> as prayed for. We also make it explicit that the benefit of this mandamus should accrue to all the allotted officers
> covered by the Annexure to the order passed by the High Court in ROC.No.1136/81-B.Spl.dt.10-3-1981 and the legal representatives of the officers who are no more. This direction shall be implemented within two months from the date of receipt of this judgment. No costs."

Since this benefit had to be given to all the persons who were similarly situated, therefore the petitioners were entitled to the benefits given to the petitioners in W.P.No.3917 of 1989.

We, therefore, direct the respondents to give the same treatment to the petitioners, which was given to the petitioners in W.P.No.3917 of 1989. If the judgment of the Court in Writ Petition and Writ Appeal had undergone any change by the judgment of the Supreme Court, the same shall be decided in accordance with the directions given by the Supreme Court in S.L.P.No.15247 of 1991.

Writ petition is disposed of. No costs.

BILAL NAZKI, J

Dt.03-08-2006

M.VENKATESWARA REDDY,J

Lrkm.